

Randall County court-at-law
(HB 1492 by Smithee/Bivins)

DIGEST: HB 1492 would have granted the Randall County court-at-law shared jurisdiction with district courts in civil matters and in felony cases to conduct arraignments, pre-trial hearings, guilty pleas, nonjury trials and probation revocations. The bill also would have removed a provision from current law establishing a second county court-at-law in Randall County.

GOVERNOR'S
REASON
FOR VETO:

General felony criminal jurisdiction has been vested by the Legislature in the district courts of this state and not in statutory county courts or constitutional county courts. This derives from the philosophy that individuals whose punishment can include incarceration within the state correctional system should be subject to state courts. As district courts are state-funded and vacancies are subject to the appointive powers of state officials, including the Texas Senate, all felony prosecutions should continue to fall solely and exclusively within the purview of these courts.

RESPONSE:

Rep. John Smithee, the author of HB 1492, was quoted as saying that he was somewhat surprised by the veto even though there had been some concern earlier about expanding the existing court's jurisdiction. He said that there was a particular need for the expanded jurisdiction in Randall County because the three district judges who serve both Randall and Potter counties live in Amarillo and must drive to Canyon for trials, which causes problems at times. Sen. Teel Bivins, the Senate sponsor of HB 1492, was quoted as saying that his motive for sponsoring the bill was to keep the county from being forced into something that didn't make sense -- funding a second county court-at-law that the Randall County commissioners do not think is needed.

NOTES:

HB 1492 was considered on the Consent Calendar and was not analyzed in a Daily Floor Report.

During the first called session, the Legislature enacted SB 91 by Bivins, abolishing the second county court-at-law in Randall County and granting the remaining county court-at-law shared civil jurisdiction with the district court; no provision for felony criminal jurisdiction was included. The House Research Organization digest of HB 47 by Smithee, the companion bill to SB 91, appeared in the July 14, 1989 Daily Floor Report.